## DISCUSSION OF THE AMENDMENTS

Claims 1, 2, 4-6 and 15-20 were previously presented.

Claim 3 is cancelled.

Claims 7-9 are currently amended.

Claims 10-14 are withdrawn.

Claim 21 is new.

Upon entry of the amendments claims 1, 2 and 4-21 will be pending with claims 1, 2, 4-9 and 15-21 under active consideration.

The amendments to claims 7-9 are supported by the claims as previously presented.

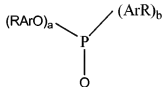New claim 21 is supported by claim 3 as previously presented.

The amendments to the claims correct informalities and do not limit the claim scope.

No new matter has been added.

## REMARKS

The Office rejected claims 1-9 and 15-20 under 35 U.S.C. § 103(a) over <u>Gangne</u> (US 2003/0144440).

<u>Gangne</u> describes phosphorus-containing bidentate ligands (Formulas I and II in paragraph [0012]). Focusing on the phosphorus center of the structures I and II in <u>Gangne</u>, the phosphorus center can have the following connectivity:

$$(RArO)_a \diagdown \underset{\underset{O}{|}}{P} \diagup (ArR)_b$$

where a and b individually are either 0, or 2, provided a + b = 2. Preferred aspects are a = 2 or a = 1 and b = 1 (see paragraphs [0022] and [0023]). Applicants note that <u>Gangne</u> requires a and b to be the same on both sides of the bidenate ligand in structures I and II. For example, <u>Gangne</u> does not distinguish a on one side of the bidentate ligand and a on the other side of the bidentate ligand. In other words, <u>both</u> sides of the bidentate ligand in <u>Gangne</u> <u>must</u> have a = 2, b = 2 or a = 1 and b = 1. The requirement excludes the possibility that a = 2 on one side of the bidentate ligand and b = 2 on the other side of the bidentate ligand. Formulas 1- 6 in claim 1 all have a structures such that a = 2 on one side of the molecule and b=2 on the other side of the molecule. Accordingly, <u>Gangne</u> does not teach or suggest formulas 1- 6 in claim 1, and indeed, <u>Gangne</u> actually <u>teaches away</u> from Formulas 1- 6. Such a teaching away is indicative of non-obviousness (See MPEP 2144.05 (III)).

Accordingly, claims 1-9 and 15-20 would not have been obvious over <u>Gangne</u>, and therefore, Applicants respectfully request that the Office withdraw the rejection of claims 1-9 and 15-20 under 35 U.S.C. § 103 (a) over <u>Gangne</u>.

With regard to the rejection of claims 1-9 and 15-20 under U.S.C. § 112, second paragraph, Applicants submit that the language in claim 1 is definite. Specifically, if $X_n$ is not present the phenyl ring has all hydrogen atoms which is generally accepted in organic nomenclature. If $X_n$ is present n is 1 or 2 and X is F, Cl or $CF_3$. Applicants believe this language and explanation make claim 1 clear and definite. Applicants submit that amended claim 3 (now claim 21) and 7-9 are free of the criticisms outlined on page 5 of the Office Action. Accordingly Applicants respectfully request that the Office withdraw the rejection of these claims under 35 U.S.C. § 112, second paragraph and 35 U.S.C. § 101.

Finally, Applicants request that should the Office allow claims 4 and 5, that the Office rejoin withdrawn claims 10-14 since these claims are process claims directed to using the product claims 4 and 5 and claims 10-14 contain all the limitations of claims 4 and 5 ( MPEP§ 821.04).

In light of the remarks above, Applicants submit the application is in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 12810-00239-US1 from which the undersigned is authorized to draw.

Dated: October 1, 2008

Respectfully submitted,

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